

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7743 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

NAGINA GYMKHANA (PVT.) LTD.

Versus

DISTRICT SUPERINTENDENT OF POLICE

Appearance:

MR AR MAJMUDAR for Petitioners

MR VB GHARANIA AGP for the Respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 15/09/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. V.B.Gharania, learned Asstt. GP for the respondents. The petitioner has presented this petition asking for appropriate writ or direction in respect of the activities of the petitioner club, one of the activities being the game of rummy being played by the members in the club. Reliance has been placed on a decision of the

Hon'ble Supreme Court in the case of State of Andhra Pradesh v. K. Satyanarayana and others, AIR 1968 SC 825 for the proposition that the game of rummy is not a game entirely of chance and it is mainly a game of skill, and therefore, said game cannot be said to be an offence under the Prevention of the Gambling Act, 1987. Reliance has also been placed on several other decisions rendered by this Court on the subject. Hence, having heard the learned Assistant Government Pleader for the respondents, following direction is issued :

The respondents shall not interfere with the game of rummy being played by the members of the petitioner club in the club premises. This direction and order, however, shall not preclude the concerned respondent/s or the officers of the respondent/s from taking appropriate action under the appropriate provisions of the relevant law and the rules if it is found that the members of the petitioner club are playing any other game which can be said to be objectionable or prohibited under the law or the rules. Rule is accordingly made absolute with no order as to cost.

15.9.1998. (M.S.Parikh,J.)

Vyas